

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACKIE FISHER

Plaintiff,

vs.

UNIVERSITY OF TEXAS
MEDICAL BRANCH and
DAVID WATSON

Defendants.

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CIVIL ACTION NO. 4:08-CV-01273

Jury Demanded

JOINT MOTION TO EXTEND DISPOSITIVE MOTION DEADLINE

TO THE HONORABLE NANCY F. ATLAS:

Comes now Plaintiff and Defendants and file this joint motion to extend the dispositive motions deadline and would respectfully show the court as follows:

I.

The deadline for dispositive motions is set for September 30, 2009. Assuming defendants file a summary judgment motion on September 30, 2009, Plaintiff's response will be due October 20, 2009. Docket call for trial of this case is not set until January 13, 2010.

II.

On the Defendant's side, a senior attorney, John Morehead, in this division, the general litigation division, has recently been hospitalized this week with serious heart problems. He is still in the hospital and may need a transplant. His caseload is being parceled out and the undersigned has been assigned certain matters, depositions, motions and paper discovery due before the end of this month and continuing for several weeks into October. On the Plaintiff's side, the attorney for Ms.

Fisher is a solo practitioner. She is set for docket call in a federal case on October 23, 2009 and trial in that case will begin on October 26, 2009. She has a Pre-trial Order due on November 6, 2009 and trial of that case will begin November 16, 2009. In addition, during the first several months of this year, Plaintiff's counsel was undergoing intensive medical intervention for health problems and was not able to work full time again until recently. She is not of yet able to put in the strenuous overtime hours, which appear will be necessary survive the rest of September, October and the first part of November if this motion is not granted. Because of her illness, many of her first and second quarter deadlines from earlier this year have been consolidated to the latter part of 2009, compounding her scheduling issues.

III.

Plaintiff and Defendants respectfully request that the dispositive motion deadline for Defendants be extended to November 20, 2009 and the Plaintiff's response be extended to December 10, 2009.

Wherefore, Premises Considered, Joint Movants respectfully requests that the dispositive motion deadlines be extended as requested above.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

DAVID S. MORALES
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE
Chief, General Litigation Division

/s/ Sam Lively

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Jackie Fisher, Plaintiff

CERTIFICATE OF CONFERENCE

The parties' counsel have conferred. This motion is agreed and jointly submitted.

/s/ Sam Lively

SAM LIVELY

NOTICE OF ELECTRONIC FILING

I, Sam Lively, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 21st day of September, 2009.

/s/ Sam Lively
SAM LIVELY
Assistant Attorney General